

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., *et al.*

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, *et al.* DEFENDANTS

**UNOPPOSED MOTION FOR PLAINTIFFS' ATTORNEYS' FEES AND
EXPENSES**

Plaintiffs move the Court pursuant to 42 U.S.C. § 1988, and Rules 23(h) and 54(d)(2) of the Federal Rules of Civil Procedure for approval of the Parties' settlement regarding Plaintiffs' attorneys' fees and expenses in the agreed-upon amount of \$230,300.88 for the monitoring and enforcement of the Mississippi Settlement Agreement and Reform Plan ("Remedial Order"), performed on behalf of the Plaintiff Class from January 5, 2008 through January 4, 2009.

Plaintiffs further move this Court for a finding that Rule 23(h) notice is unnecessary for this and any later fee application because the notice received by Plaintiff Class pursuant to Rule 23(h) as to Plaintiffs' first *Unopposed Motion for Approval of Settlement Regarding Plaintiffs' Attorneys' Fees* included notification that Plaintiffs' Counsel might periodically be submitting fee applications for monitoring and enforcement work performed on behalf of the Plaintiff Class and that no additional notification would be made of such applications. In light of that notice, additional notice

of this and subsequent fee applications for monitoring work would impose undue cost and burden.

This Motion is supported by the accompanying Memorandum in Support and Exhibits.

Respectfully submitted this 29th day of July, 2009.

/s Shirim Nothenberg

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PLAINTIFFS' COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that on July 29th, 2009, I electronically filed the foregoing Plaintiffs' unopposed Motion for Plaintiffs' Attorneys' Fees and Expenses using the ECF system, which sent notification of such filing to the following:

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